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**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

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REINETA BATTLE, and GREGORY  
BATTLE,

Plaintiffs,

v.

WAL-MART STORES EAST, LP, a  
Foreign Limited Partnership doing  
business as Wal-Mart and also known as  
Wal-Mart #277,

Defendant.

Case No.: CIV-21-18-JD

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**NOTICE OF REMOVAL**

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**TO: THE JUDGE OF THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

Defendant, Wal-Mart Stores East, L.P., a Delaware Limited Partnership (“Walmart”) pursuant to Title 28 U.S.C. §§1331, 1441(a) and 1446 and LCvR 81.2, file this Notice of Removal of the civil action filed against it in the District Court of Cleveland County, State of Oklahoma, to the United States District Court for the Western District of Oklahoma. In support of removal, Defendants state as follows:

1. Plaintiffs, Reineta Battle and Gregory Battle filed their Petition in the District Court of Cleveland County on June 29, 2020. (*See* copy of the Cleveland County District Court Docket, attached as Exhibit “1”).
2. Plaintiffs, Reineta Battle and Gregory Battle have pled damages in excess of the

amount required for diversity jurisdiction pursuant to Title 28 U.S.C. §1332. (See Plaintiffs' Petition, attached as Exhibit "2").

3. It is Defendant's belief that Plaintiffs are residents and citizens of the State of Oklahoma.
4. Defendant Wal-Mart Stores East, L.P. a Delaware Limited Partnership, is a wholly-owned subsidiary of Walmart, Inc., a Delaware Corporation with its principal place of business in Bentonville, Arkansas. Walmart Inc. is a publicly traded corporation. Further, the principal place of business of Wal-Mart Stores East, L.P., is Bentonville, Arkansas. Consequently, Defendant Walmart is a citizen of the State of Arkansas.
5. Because this is a civil action between citizens of different states and the amount in controversy is in excess of seventy-five thousand dollars (\$75,000), this Court has original subject matter jurisdiction over the civil action pursuant to Title 28 U.S.C. §1332(a)(1). Removal of the action to this Court by Defendant Walmart is made pursuant to the provisions of Title 28 U.S.C. §1441.
6. In accordance with the provisions of Title 28 U.S.C. §1391(a), venue is proper in the United States District Court for the Western District of Oklahoma because the alleged incident occurred in Cleveland County, State of Oklahoma, which is in the Western District of Oklahoma.
7. By virtue of this Notice of Removal, Defendant does not waive its right to assert any jurisdictional claims or pursue other motions or defenses, including those

available under Rule 12 of the Federal Rules of Civil Procedure.

8. In accordance with the provisions of Title 28 U.S.C. §1446(a) and the local rules of the United States District Court for the Western District of Oklahoma, legible copies of all documents filed in the state court action are being filed contemporaneously with this Notice of Removal and submitted by way of the following exhibits:

**CJ-2020-642 (Cleveland County District Court)**

Exhibit 1: Copy of the Cleveland County District Court Docket

Exhibit 2: Petition

Exhibit 3: Summons

Exhibit 4: Defendant's Answer to Plaintiff's Petition

Exhibit 5: Entry of Appearance for Michael Brewer

Exhibit 6: Entry of Appearance for Jeffrey Scott

In accordance with the provisions of Title 28 U.S.C. §1446(d), Defendant is serving a copy of this Notice of Removal upon Plaintiffs and filing a Notice of Removal with the Clerk of the District Court of Cleveland County, State of Oklahoma, where this case was originally filed. Copies of this Notice are being served upon Plaintiffs and filed with the Cleveland County Court Clerk contemporaneous with this document.

WHEREFORE, Defendant prays that the Court take jurisdiction in this action to the exclusion of any further proceedings in the District Court of Cleveland County.

Respectfully submitted,

/s/Michael W. Brewer

**MICHAEL W. BREWER, OBA # 11769**

**JEFFREY D. SCOTT, OBA # 32115**

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**ATTORNEYS FOR DEFENDANT**

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 11<sup>th</sup> day of January 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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**ATTORNEY FOR PLAINTIFFS**

/s/Michael W. Brewer

**MICHAEL W. BREWER**